



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Jason A. Bernstein  
Powell Goldstein, LLP  
One Atlantic Center  
14<sup>th</sup> Floor  
1201 West Peachtree Street, NW  
Atlanta, GA 30309-3488

27 APR 2007

In re Application of  
GEROLD  
Application No.: 10/596,797  
PCT No.: PCT/EP04/10081  
Int. Filing Date: 07 September 2004  
Priority Date: 24 December 2003  
Attorney Docket No.: 149549.00002  
For: RADIO-OPAQUE MARKER FOR  
MEDICAL IMPLANTS

DECISION ON PAPERS

UNDER 37 CFR 1.42

This decision is in response to applicant's renewed petition under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 26 April 2007.

**BACKGROUND**

On 16 March 2007, applicant was mailed a decision dismissing applicant's request for status under 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration.

On 26 April 2007, applicant filed the present renewed petition.

**DISCUSSION**

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Applicant's originally filed declaration was held to be non-compliant as it did not provide the citizenship the deceased inventor. Applicant has presently provided an executed declaration which provide all of the required information for the inventors, deceased inventor and legal representatives and therefore it is appropriate to grant applicant's renewed petition at this time.

**CONCLUSION**

Applicant's renewed request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 07 September 2004 and will be given a date of **26 April 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

A handwritten signature in black ink, appearing to read 'D. A. Putonen', is positioned above the printed name and title.

Derek A. Putonen  
Attorney Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3294  
Fax: (571) 273-0459